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December 20, 2021

**VIA ECF**

Honorable Stewart D. Aaron  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Application granted. SO ORDERED.

Dated: December 21, 2021

Re: *Chepilko v. City of New York, et al.*,  
18-CV-2195 (ALC) (SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York, Police Officer Scott Henry, and Sergeant Tarakur Chowdhury in the above-referenced matter. I write to respectfully request a two-week enlargement of time — from December 21, 2021 until January 4, 2022 — for defendants to comply with the Court's Order dated November 10, 2021 (Docket Entry No. 58). This is the second request for an extension of this deadline. The first request was granted. (Docket Entry No. 65)

Plaintiff consents to the instant request but asked defendants to convey his request that the Court grant a one-month enlargement of time to file his opposition to defendants' motion for summary judgment. Defendants consent to plaintiff's requested extension and will be filing a letter motion addressed to the Honorable Andrew L. Carter, Jr. regarding the briefing schedule.

On November 10, 2021, the parties appeared at a telephonic conference before Your Honor. Thereafter, the Court ordered defendants to search for and produce to plaintiff copies of any Freedom of Information Law ("FOIL") requests made by plaintiff to the NYPD in March 2017 and any responses thereto. (*Id.*)

Our search efforts have revealed that plaintiff made two FOIL requests in March 2017. However, because those requests were made nearly five years ago, the records are in a storage facility. Those records have been requested but are not yet in defendants' possession.

The extension requested herein should allow sufficient time for the records to arrive at our Office, at which time we will immediately send copies of the same to plaintiff. Accordingly, defendants respectfully request a two-week enlargement of time, until January 4, 2022, to obtain the FOIL records and provide the same to plaintiff.

Defendants thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Frank", written over a horizontal line.

Jeffrey F. Frank

*Assistant Corporation Counsel*

Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL AND E-MAIL**

Sergei Chepilko

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